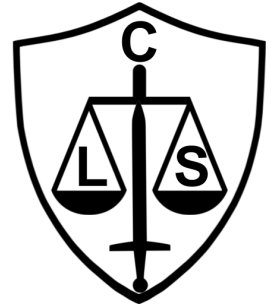


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9/9/2022 4:15:22 PM

The Honorable Lydia K. Griggsby
United States District Court
District of Maryland
101 W. Lombard Street
Baltimore, Maryland 21201

Re: Robinson v. Baltimore County Police Department, et al, Civil Action No. 1:21-cv-02997-LKG

Dear Judge Griggsby,

Plaintiff has received Baltimore County's September 9, 2022, letter. The letter is accurate but omits significant context. It is true that Plaintiff has yet to serve the remaining defendants, i.e., those other than Baltimore County, in person.

However, Plaintiff's failure to serve the remaining defendants in this suit is directly attributable to bad faith and willful violations of Maryland law on the part of the Baltimore County Attorney's Office. Plaintiff issued a set of discovery requests to Baltimore County on January 20, 2022. Some of those requests were for information needed to facilitate the service of process on the remaining defendants. Baltimore County refused to honor those discovery requests citing its pending Motion to Dismiss. However, as Baltimore County pointed out in its April 29, 2022, Reply to Plaintiff's Opposition to Defendant Baltimore County, Maryland's Motion to Dismiss (ECF 24), "much of what Plaintiff seeks could [also] have been gained by a request under Maryland's Public Information Act[.]"

Plaintiff took Baltimore County at its word and issued a written request for the same information to the Baltimore County Attorney's Office on May 9, 2022, but that time pursuant to the Maryland Public Information Act rather than the Federal Rules of Civil Procedure. As of the date of this letter, the Baltimore County Attorney's Office has failed to comply with that lawful request. See Ex 1-3.

"Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time." Maryland Code, General Provisions, § 4-201. "[A] person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian." Mr. Benjamin, as the head of the Baltimore County Department of Law, is a "custodian." Plaintiff's written request to Mr. Benjamin constituted "a written application to [a] custodian." See Maryland Code, General Provisions, § 4-202.

“[T]he custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.” Maryland Code, General Provisions, § 4-203. As of the date of this letter, Baltimore County has failed to respond to Plaintiff’s MPIA request for 124 days. Moreover, “A person may not . . . willfully or knowingly violate any provision of this title . . . [or] fail to petition a court after temporarily denying inspection of a public record,” and “[a] person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.” Maryland Code, General Provisions, § 4-402.

Plaintiff is currently drafting a civil complaint to compel Mr. Benjamin to comply with Plaintiff’s MPIA request and thereby obtain the information necessary to personally serve the remaining defendants in this case. He is also working with the Maryland Courts in Baltimore County to have a Statement of Charges filed against Mr. Benjamin for his willful and criminal failure to comply with the MPIA.

Plaintiff hastens to add that until today he was unaware the Baltimore County Attorney’s office represented the remaining defendant in this case. If Baltimore County’s September 9, 2022, letter was designed to speak on their behalf, Plaintiff would ask that Mr. Benjamin file an entry of appearance on their behalf as soon as possible and that this Honorable Court recognize that those parties are on notice of the suit and do not require further service of process pursuant to Federal Rule of Civil Procedure 4(e)(2)(C) and Maryland Rule 2-124(b).

Very respectfully,

Nathan M. F. Charles, Esq

Gzj kkv's

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1/20/2022 3:59:36 PM

James R. Benjamin, Jr., Esq., County Attorney
On Behalf of The Baltimore County Police Department
Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re Discovery Request in Sergio Robinson v. Baltimore County Police Department, et al,
U.S. District Court for the District of Maryland, Case Number 1:21-cv-02997-BPG

Dear County Attorney Benjamin,

Please find my client's First Set of Interrogatories and Requests for Production of Documents accompanying this letter. If you find any of the requests vague or overbroad, please call, write, or email me prior to filing objections. I am confident we can refine or rescope the request to obtain the information necessary for my investigation without unreasonably taxing public resources.

Very respectfully,

A handwritten signature in black ink, appearing to read 'Nathan M. F. Charles', is written over a faint red circular stamp.

Digitally signed by
Nathan M. F. Charles,
Esq.
Date: 2022.01.20
16:00:04 -05'00'

Nathan M. F. Charles, Esq

Gzj kdkv"4

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Sergio Lemare Robinson,

Plaintiff

v.

The Baltimore County Police Department,

Officer FNU Twisdale (Badge # 5233),

Officer FNU Stefanik (Badge # 5828),

Officer FNU Johnson (Badge # 5172),

Officer FNU Hoerr (Badge # 4164), and

Other Officers and Agents of the Baltimore
County Police Department, yet unknown,

Defendants

Case No. 1:21-cv-02997-BPG

JURY TRIAL DEMANDED PURSUANT
TO F.R.C.P. 38(b)

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

The Plaintiff, Sergio Robinson, by his attorney, Nathan M. F. Charles, Esq., respectfully submits this Plaintiff's First Set of Interrogatories and Requests for Production of Documents in accordance with F.R.C.P. 26, 33, and 34.

Discovery as a Matter of Course

Please provide all materials and information required under F.R.C.P. 26(a)(1)(A), (a)(3), and (a)(4) at your earliest convenience.

Interrogatories

Please answer the following questions in accordance with F.R.C.P. 33: Some of the questions refer to "BWC Video File 4." For purposes of these interrogatories, "BWC Video File

4” refers to the data file, “Discovery_4_of_14_-_210590140_(Hoerr,_R).” The undersigned posted BWC Video File 4 to a Dropbox account and made it accessible to Attorney James R. Benjamin, Jr. of the Baltimore County Office of Law at or around 10:04 AM EST on Thursday, January 20, 2022. Please refer to the content and timestamps of that video file where relevant.

Some of the questions refer to “BWC Video File 2.” For purposes of these interrogatories, “BWC Video File 2” refers to the data file, “Discovery_2_of_14_-_210590140_(Stefanik,_P).” The undersigned posted BWC Video File 4 to a Dropbox account and made it accessible to Attorney James R. Benjamin, Jr. of the Baltimore County Office of Law at or around 02:47 PM EST on Thursday, January 20, 2022. Please refer to the content and timestamps of that video file where relevant

Where the interrogatory requests “contact information” for an individual, please provide the residential, business, and other mailing addresses; business, home, and mobile telephone numbers; and business and personal email addresses.

1. Please provide the full name, contact information, dates of birth, and social security numbers for the following individuals: Baltimore County Police Officer Twisdale (Badge # 5233); Baltimore County Police Officer FNU Stefanik (Badge # 5828); Baltimore County Police Officer Johnson (Badge # 5172); Baltimore County Police Officer Johnson (Badge # 5172); Baltimore County Police Officer Hoerr (Badge # 4164).
2. Please identify the full name and contact information for the immediate and secondary supervisors for each of the individuals listed in Interrogatory 1.
3. Please identify any and all insurers who have issued a liability insurance policy to the Baltimore County Police Department or the individuals listed in Interrogatory 1.

4. Please provide the names and contact information for any and all claims adjusters working with the Baltimore County Police Department or any of its employees on insurance claims related to the events discussed in the Complaint.

5. Please identify and provide the full name of the individual who was wearing the camera that produced the footage in BWC Video File 4 during the events discussed in the Complaint.

6. Please identify and provide the full names of the individuals in-frame at 0:00:37 in BWC Video File 4. Please distinguish between the individual at the rear of the Plaintiff's car and the individual at the driver's door of the Plaintiff's car.

7. Please identify and provide the full names of the individual or individuals who punched the Plaintiff at approximately 0:01:02 in BWC Video File 4.

8. Please identify and provide the full name of the individual who was directly on top of the Plaintiff starting at approximately 0:01:06 of BWC Video File 4.

9. Please identify and provide the full name of the individual who was wearing the camera that produced the footage in BWC Video File 2 during the events discussed in the Complaint.

10. Please identify and provide the full name of the individual holding the police taser visible in the lower half of the frame at approximately 0:01:44 of BWC Video File 2.

11. Please identify and provide the full name of the individual who handcuffed the Plaintiff at approximately 0:01:55 of BWC Video File 2.

12. Please identify and provide the full names of the three individuals in-frame at approximately 0:02:17 of BWC Video File 2. Please distinguish between the individuals at the 12-o'clock, 9-o'clock, and 4-o'clock positions from the perspective of the viewer.

Requests for Production of Documents

Please provide the following documents and recordings in accordance with F.R.C.P. 34. The undersigned prefers production in electronic format but will accept production in hardcopy where electronic copies are not reasonably producible.

1. Please provide the whole case file for the Baltimore County Police Department Internal Affairs investigation into the incident and events discussed in the Complaint. Please include all evidentiary exhibits collected during the investigation.

2. Please provide all case files within the possession and control of the Baltimore County Police Department produced during any other investigation into the events discussed in the Complaint. Please include all evidentiary exhibits collected during the investigations. For purposes of this request, “other investigation[s]” includes, but is not limited to, investigations conducted by any other governmental agency, regulatory body, or insurer.

3. Please provide copies of any and all liability insurance policies issued to the Baltimore County Police Department or the individuals listed in Interrogatory 1.

4. Please provide copies of any and all police reports produced about, or pertaining to, the events discussed in the Complaint.

5. Please provide a copy of any and all policy and training manuals produced by the Baltimore County Police Department pertaining to traffic stops, DUI and DWI investigations, traffic-accident investigations, other responses to traffic accidents, the use of force (both deadly and less lethal), and force escalation and de-escalation.


6. Please provide copies of any and all videos, sound recordings, or transcripts depicting or describing the events discussed in the Complaint or their aftermath. This request includes, but is not limited to: police body-worn camera footage; police radio transmissions;

police radio logs; 911 calls; pole camera footage; helicopter footage; surveillance footage; surveillance logs; and witness statements.

7. Please provide complete copies of any and all social media accounts, personal and professional, for the individuals listed in Interrogatory 1.

8. Please provide copies of any and all records collected or created during the assessment, selection, and training of the individuals identified in Interrogatory 1, from the moment of their application to the Baltimore County Police Department to the present.

Date: January 20, 2022

 Digitally signed by
Nathan M. F. Charles,
Esq.
Date: 2022.01.20
15:39:26 -05'00'

NATHAN M. F. CHARLES, Esq.
U.S. District of Maryland Attorney 22007
Maryland Attorney 2011200007
11313 Gainsborough Road,
Potomac, MD 20854
717-202-9407
nate@charleslegalandsecurity.com





Nathan Charles <nate@charleslegalandsecurity.com>

Re: Maryland Public Information Act Request

1 message

Nathan Charles <nate@charleslegalandsecurity.com>

Wed, Aug 31, 2022 at 10:21 AM

To: Bradley Neitzel <bneitzel@baltimorecountymd.gov>

Cc: Melissa J Garrett <mjgarrett@baltimorecountymd.gov>, "James R. Benjamin Jr." <jrbenjamin@baltimorecountymd.gov>

I'm drafting a complaint against all three of you in both your professional and personal capacities for wilful violations of the MPIA.

Very respectfully,



Nathan M. F. Charles, Esq.
Owner, Charles Legal Services
www.charleslegalandsecurity.com
717-202-9407
Maryland Attorney 2011200007
Pennsylvania Attorney 315497
USCIS Online: 046186849814

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On Wed, Aug 31, 2022 at 10:08 AM Nathan Charles <nate@charleslegalandsecurity.com> wrote:

Where are the answers to my PIA requests?

Very respectfully,



Nathan M. F. Charles, Esq.
Owner, Charles Legal Services
www.charleslegalandsecurity.com
717-202-9407
Maryland Attorney 2011200007
Pennsylvania Attorney 315497
USCIS Online: 046186849814

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On Mon, May 9, 2022 at 4:46 PM Nathan Charles <nate@charleslegalandsecurity.com> wrote:

I do not need to write you a separate letter. I don't even need to make the request in writing. Even if those two requirements did exist, this email chain would more than suffice.

What I already sent you contains eight enumerated paragraphs outlining specific documents. I am requesting all of those documents.

It also contains a list of other pieces of information. If any public document obviously answers those questions, I am requesting those too.

If there is even one more insolent, cheeky, arrogant, or dilatory action by any member of your office, I will file a second complaint in state court styled similarly to that in *Am. C.L. Union Found. of Maryland v. Leopold*, 223 Md. App. 97, 115 A.3d 649 (2015). Do your job, and start actually obeying the laws you were sworn to execute.

Very respectfully,



Nathan M. F. Charles, Esq.
Owner, Charles Legal Services
www.charleslegalandsecurity.com
717-202-9407
Maryland Attorney 2011200007
Pennsylvania Attorney 315497
Alaska Attorney 2009080
USCIS Online: 046186849814

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On Mon, May 9, 2022 at 4:24 PM Bradley Neitzel <bneitzel@baltimorecountymd.gov> wrote:

Will you be sending a letter specifying which documents you seek under the PIA?

Bradley J. Neitzel

Assistant County Attorney

Baltimore County Office of Law

400 Washington Avenue

Towson, Maryland 21204

(410) 887-4420

(410) 296-0931 (facsimile)

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From: Nathan Charles <nate@charleslegalandsecurity.com>

Sent: Monday, May 9, 2022 4:21 PM

To: Bradley Neitzel <bneitzel@baltimorecountymd.gov>

Cc: Melissa J Garrett <mjgarrett@baltimorecountymd.gov>; Patricia Hastings <phastings@baltimorecountymd.gov>;

James R. Benjamin Jr. <jrbenjamin@baltimorecountymd.gov>

Subject: Re: Maryland Public Information Act Request

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You tell me which parts are insufficiently clear and I'll clarify.

Very respectfully,



Nathan M. F. Charles, Esq.

Owner, Charles Legal Services

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s74aHPSquEsYGSOUhXMaVcA/http%3A%2F%2Fwww.charleslegalandsecurity.com)

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On Mon, May 9, 2022 at 3:47 PM Bradley Neitzel <bneitzel@baltimorecountymd.gov> wrote:

Mr. Charles:

Your email to Ms. Garrett references an "attached letter." What is attached are discovery requests. Will you be sending a letter specifying which documents you seek under the PIA?

Bradley J. Neitzel

Assistant County Attorney

Baltimore County Office of Law

400 Washington Avenue

Towson, Maryland 21204

(410) 887-4420

(410) 296-0931 (facsimile)

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From: Nathan Charles <nate@charleslegalandsecurity.com>

Sent: Monday, May 9, 2022 3:20 PM

To: Melissa J Garrett <mjgarrett@baltimorecountymd.gov>

Cc: Patricia Hastings <phastings@baltimorecountymd.gov>; James R. Benjamin Jr. <jrbenjamin@baltimorecountymd.gov>; Bradley Neitzel <bneitzel@baltimorecountymd.gov>

Subject: Maryland Public Information Act Request

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Ms. Garrett,

Please see the attached letter. The County Attorney has refused to provide the information requested in the letter under the Federal Rules of Civil Procedure. Please provide it under the Maryland Public Information Act instead.

I've since posted relevant portions of the video cited in the letter as "BWC Video File 4" to YouTube. You can view it here if it assists you in responding to this request: <https://youtu.be/r5OEX9p28WM>.

Very respectfully,



Nathan M. F. Charles, Esq.

Owner, Charles Legal Services

http://secure-web.cisco.com/1_bxlQ9KsO0ei3Qve19UWss07OP0u902eVvl6mYl87-WDrQNxw-pDX9f_Xd0LQggMTOJ4HeEgS5MuLA1JjqOEtGZlqVbZMBCJK4TpR3DMG7pJWhL1HfjAVYvJccqiEkeAcGwSZb1YUTjLEtTKu-QgDz3j80YjJN0noO5SFbARS3psa8FnB0WYV2DqYDxYX3WkpFLIGW2arE9Kpd xXozF09UojopMGQrJaXyYkOGwg8FNgnJaqY-G0gJGR8el0yAl-6_FZA2WxO4PcTOjs6DBQVr5ESrqK4oSj-U9kSMWHLdXPa1Mr1JDzEgD5OWhGaY8H9muhSVj8Plef0nw3nNuNblqN-WfLoXofxNarl6olNhlyJDY_0Qzq2cTCDUSbCwQ6U7rAAAd2_8dAOx5rQbjkOcelhdU7y7NTR0Ilp09K6Z3RIV1OJhGKGM9Y--wxaUXYt/http%3A%2F%2Fwww.charleslegalandsecurity.com

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